



General Assembly

Substitute Bill No. 489

February Session, 2002

***AN ACT CONCERNING SECURITY AT NUCLEAR POWER
GENERATING FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2002*):

3 A person in possession or control of premises, or a person who is
4 licensed or privileged to be in or upon such premises, is justified in
5 using reasonable physical force upon another person when and to the
6 extent that [he] such person reasonably believes such to be necessary to
7 prevent or terminate the commission or attempted commission of a
8 criminal trespass by such other person in or upon such premises; but
9 [he] such person may use deadly physical force under such
10 circumstances only (1) in defense of a person as prescribed in section
11 53a-19, or (2) when [he] such person reasonably believes such to be
12 necessary to prevent an attempt by the trespasser to commit arson or
13 any crime of violence, [or] (3) to the extent that [he] such person
14 reasonably believes such to be necessary to prevent or terminate an
15 unlawful entry by force into [his] the dwelling of such person, as
16 defined in section 53a-100, or place of work, and for the sole purpose
17 of such prevention or termination, or (4) to the extent that such person
18 reasonably believes that the use of deadly force is necessary to prevent
19 or terminate an attempt to commit arson, any crime of violence or an
20 unlawful entry by force into a nuclear power generating facility or the

21 real estate upon which such facility is located, and for the sole purpose
22 of such prevention or termination.

23 Sec. 2. Section 53-202b of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2002*):

25 (a) (1) Any person who, within this state, distributes, transports or
26 imports into the state, keeps for sale, or offers or exposes for sale, or
27 who gives any assault weapon, except as provided by sections 29-37j
28 and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a,
29 as amended, shall be guilty of a class C felony and shall be sentenced
30 to a term of imprisonment of which two years may not be suspended
31 or reduced.

32 (2) Any person who transfers, sells or gives any assault weapon to a
33 person under eighteen years of age in violation of subdivision (1) of
34 this subsection shall be sentenced to a term of imprisonment of six
35 years, which shall not be suspended or reduced and shall be in
36 addition and consecutive to the term of imprisonment imposed under
37 subdivision (1) of this subsection.

38 (b) The provisions of subsection (a) of this section shall not apply to:

39 (1) The sale of assault weapons to the Department of Public Safety,
40 police departments, the Department of Correction or the military or
41 naval forces of this state or of the United States for use in the discharge
42 of their official duties;

43 (2) A person who is the executor or administrator of an estate that
44 includes an assault weapon for which a certificate of possession has
45 been issued under section 53-202d which is disposed of as authorized
46 by the Probate Court, if the disposition is otherwise permitted by
47 sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of
48 section 53a-46a, as amended;

49 (3) The transfer by bequest or intestate succession of an assault
50 weapon for which a certificate of possession has been issued under

51 section 53-202d;

52 (4) The sale of assault weapons to any licensee of the Nuclear
53 Regulatory Commission that operates a nuclear power generating
54 facility for use in the maintenance of security by personnel who
55 comply with the provisions of section 29-161b and meet the criteria for
56 security personnel contained in 10 CFR 73, as amended from time to
57 time, at a nuclear power generating facility.

58 Sec. 3. Section 53-202c of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective July 1, 2002*):

60 (a) Except as provided in section 53-202e, any person who, within
61 this state, possesses any assault weapon, except as provided in sections
62 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section
63 53a-46a, as amended, shall be guilty of a class D felony and shall be
64 sentenced to a term of imprisonment of which one year may not be
65 suspended or reduced; except that a first-time violation of this
66 subsection shall be a class A misdemeanor if (1) the person presents
67 proof that he lawfully possessed the assault weapon prior to October 1,
68 1993, and (2) the person has otherwise possessed the firearm in
69 compliance with subsection (d) of section 53-202d.

70 (b) The provisions of subsection (a) of this section shall not apply to
71 the possession of assault weapons by members or employees of the
72 Department of Public Safety, police departments, the Department of
73 Correction or the military or naval forces of this state or of the United
74 States for use in the discharge of their official duties; nor shall anything
75 in sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h)
76 of section 53a-46a prohibit the possession or use of assault weapons by
77 sworn members of these agencies when on duty and the use is within
78 the scope of their duties.

79 (c) The provisions of subsection (a) of this section shall not apply to
80 the possession of an assault weapon by any person prior to July 1,
81 1994, if all of the following are applicable:

82 (1) The person is eligible under sections 29-37j and 53-202a to 53-
83 202k, inclusive, and subsection (h) of section 53a-46a, as amended, to
84 apply for a certificate of possession for the assault weapon by July 1,
85 1994;

86 (2) The person lawfully possessed the assault weapon prior to
87 October 1, 1993; and

88 (3) The person is otherwise in compliance with sections 29-37j and
89 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a, as
90 amended.

91 (d) The provisions of subsection (a) of this section shall not apply to
92 a person who is the executor or administrator of an estate that includes
93 an assault weapon for which a certificate of possession has been issued
94 under section 53-202d, if the assault weapon is possessed at a place set
95 forth in subdivision (1) of subsection (d) of section 53-202d or as
96 authorized by the Probate Court.

97 (e) The provisions of subsection (a) of this section shall not apply to
98 the possession of assault weapons by personnel or personnel of
99 security contractors of a licensee of the Nuclear Regulatory
100 Commission that operates a nuclear power generating facility, for use
101 in the maintenance of security at a nuclear power generating facility
102 provided such personnel comply with the provisions of section 29-
103 161b and meet the criteria for security personnel contained in 10 CFR
104 73, as amended from time to time.

105 Sec. 4. Section 2 of public act 01-130 is repealed and the following is
106 substituted in lieu thereof (*Effective July 1, 2002*):

107 (a) (1) For purposes of this section, "armor piercing .50 caliber
108 bullet" means any .50 caliber bullet that is (A) designed for the purpose
109 of, (B) held out by the manufacturer or distributor as, or (C) generally
110 recognized as having a specialized capability to penetrate armor or
111 bulletproof glass, including, but not limited to, such bullets commonly
112 designated as "M2 Armor-Piercing" or "AP", "M8 Armor-Piercing

113 Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer" or
114 "APIT", "M903 Caliber .50 Saboted Light Armor Penetrator" or "SLAP",
115 or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT".

116 (2) "Incendiary .50 caliber bullet" means any .50 caliber bullet that is
117 (A) designed for the purpose of, (B) held out by the manufacturer or
118 distributor as, or (C) generally recognized as having a specialized
119 capability to ignite upon impact, including, but not limited to, such
120 bullets commonly designated as "M1 Incendiary", "M23 Incendiary",
121 "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing
122 Incendiary Tracer" or "APIT".

123 (b) Any person who knowingly distributes, transports or imports
124 into the state, keeps for sale or offers or exposes for sale or gives to any
125 person any ammunition that is an armor piercing .50 caliber bullet or
126 an incendiary .50 caliber bullet shall be guilty of a class D felony,
127 except that a first-time violation of this subsection shall be a class A
128 misdemeanor.

129 (c) The provisions of subsection (b) of this section shall not apply to
130 the following:

131 (1) The sale of such ammunition to the Department of Public Safety,
132 police departments, the Department of Correction or the military or
133 naval forces of this state or of the United States for use in the discharge
134 of their official duties;

135 (2) A person who is the executor or administrator of an estate that
136 includes such ammunition that is disposed of as authorized by the
137 Probate Court; [or]

138 (3) The transfer by bequest or intestate succession of such
139 ammunition; or

140 (4) The sale of such ammunition to any licensee of the Nuclear
141 Regulatory Commission for use in the maintenance of security by
142 personnel who comply with the provisions of section 29-161b and meet

143 the criteria for security personnel contained in 10 CFR 73, as amended
144 from time to time, at a nuclear power generating facility.

145 (d) If the court finds that a violation of this section is not of a serious
146 nature and that the person charged with such violation (1) will
147 probably not offend in the future, (2) has not previously been
148 convicted of a violation of this section, and (3) has not previously had a
149 prosecution under this section suspended pursuant to this subsection,
150 it may order suspension of prosecution in accordance with the
151 provisions of subsection (h) of section 29-33.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>

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Joint Favorable Subst. C/R

JUD